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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Part 13 of the Rules)
to Privatize the Administration of)
Examinations for Commercial Radio)
Operator Licenses and to Clarify)
Certain Rules)

FO Docket No. 92-206

To: The Commission

REPLY COMMENTS OF THE AMERICAN RADIO ASSOCIATION

The American Radio Association ("ARA"), by its attorneys, hereby submits its reply to comments filed on the Notice of Proposed Rulemaking in the above-captioned proceeding.¹ The commenting parties overwhelmingly support the proposed privatization of the examination process for commercial radio operator licenses.² However, they underscore the need for the Commission to retain sufficient oversight over the testing process to ensure that the exams are made reasonably available and are fairly administered.

The commenters largely agree that the public would be best served by selecting as examiners known testing entities

¹ Amendment of Part 13 of the Rules to Privatize the Administration of Examinations for Commercial Radio Operator Licenses and to Clarify Certain Rules, Notice of Proposed Rulemaking, FCC 92-394 (Sept. 8, 1992) [hereinafter Notice].

² As ARA noted in its comments, the Commission has failed to include certification exams for Global Maritime Distress and Safety System At-Sea Maintainers among those to be privatized in this proceeding. ARA again emphasizes that that those certifications should not be omitted from this process.

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in the communications or maritime fields with existing examination facilities.³ Although several such entities have been suggested as appropriate, ARA continues to believe that, if the Commission is to select only one entity, the Coast Guard Regional Examination Centers would be best suited for this purpose. As ARA noted in its comments, the 17 Coast Guard centers were set up specifically for the purpose of administering competency examinations to maritime personnel. They are located near centers of maritime activity and are responsible for conducting certification exams for eight of the nine officers aboard a ship. The other entities suggested simply do not have the same expertise in the maritime communications area.

Selection of the Coast Guard centers would also ensure freedom from any potential conflict of interest in fairly administering the exam. Given the critical safety functions at stake, the exam must be an accurate evaluation of the applicant's knowledge of and competency on maritime communications equipment. For this reason, any examiner selected must be an independent entity with no ties to shipping interests or manufacturers, suppliers or maintainers

³ See, e.g., Comments of Communications & Emergency Products, Inc. at 1; Comments of Maple Woods Community College at 1; Comments of the National Association of Radio and Telecommunications Engineers, Inc. at 7-9; Comments of SCI Maritime Training at 2; Comments of the Roach Organization, Inc. at 6.

of maritime electronics equipment, including labor organizations or other groups engaged in supplying maritime personnel; nor should the entity be engaged in the business of offering training programs designed solely to prepare persons to pass the examination.

Further, as echoed by a number of commenters, the testing process would most effectively assess competency through the use of large question pools from which each type of exam can be randomly generated.⁴ ARA believes these question pools could best be developed by a Federal Advisory Committee comprised of FCC personnel and members of the private sector. This committee would also be responsible for updating the questions at regular intervals. ARA strongly disagrees with those commenters who suggest that each examiner design its own exam.⁵ Such a situation would be rife with abuse and more than likely result in exams of varying levels of difficulty and comprehensiveness.

In order to prevent answers to the exams from being improperly distributed, the Commission should maintain

⁴ See, e.g., Comments of the National Association of Business and Educational Radio, Inc. at 11.

⁵ See, e.g., Comments of the National Association of Radio and Telecommunications Engineers, Inc. at 15-17; Comments of SCI Maritime Training at 5.

control of the question pools.⁶ ARA urges the Commission to explore the use of computerized links and testing terminals similar to those described by the Roach Corporation⁷ to permit examiners direct, yet limited, access to the question pools and instantaneous generation and correction of exams with minimal expension of Commission resources.

ARA concurs with the majority of commenters that privatization of the commercial radio operator exams could improve deficiencies in the current examination process. To do so, however, appropriate guidelines must be adopted, such as those discussed above and in ARA's initial comments.

Respectfully submitted,

AMERICAN RADIO ASSOCIATION

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⁶ Unlike the privatized examinations in the amateur service, the radio operator question pools should not be made available to the public. In contrast to amateur operators, commercial radio operators are relied upon to perform critical safety functions requiring extensive competency in maritime communications. These exams will not be able effectively to assess such competency if an applicant can pass them by simply memorizing answers rather than demonstrating actual proficiency.

⁷ Comments of the Roach Organization, Inc. at 3-5.